

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA
ex rel. DIANA OLIVAREZ and
STATE OF TEXAS ex rel.
DIANA OLIVERAZ

Civil Action No.

Plaintiffs

M-06-075

v.

**FILED UNDER SEAL
PURSUANT TO
31 U.S.C. § 3730(b)(2)**

LABORATORY CORPORATION OF
AMERICA HOLDINGS d/b/a
LABORATORY CORP (“LabCorp”)

Defendant.

/

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

Pursuant to Federal Rules of Civil Procedure 41(a)(1)(i), the Plaintiff request this court grant this written Notice of Voluntary Dismissal of all claims against Defendant without prejudice. The Complaint was filed on March 15, 2006, under seal, and thus Defendant has not been served nor has Defendant filed an Answer. There is no need to serve Defendant the Complaint pursuant to this Voluntary Dismissal of all claims. Notice has been sent to the respective representative co-Plaintiffs, the United States Attorney General and the Texas State Attorney Offices, whom have declined to intervene in the Plaintiff's False Claims Act.

Enclosed is a Proposed Order Dismissing all of the Plaintiffs claims without prejudice for the court's records.

Respectfully,

/s/ Allena L. Guerra

Allena L. Guerra
Attorney-in-Charge For
Plaintiff/Relator Diana Olivarez

State Bar of Texas No. 24036319
S.D. Tex. Bar No. 33962

DILLEY LAW FIRM
635 South Presa
San Antonio, TX 7210
Tel: (210) 225-0111
Fax: (210) 228-0493

Certificate of Service

I certify that a copy of the Plaintiff's Notice of Voluntary Dismissal and Proposed Order was sent to United States Attorney General's office in care of Jill O. Venezia and to the Texas Attorney General's Office in care of Paula Juba by facsimile and certified mail on January 9, 2009.

Jill O. Venezia
Assistant U.S. Attorney
P.O. Box 61129
Houston, TX 77208-1129
FAX: (713) 718-3407

Paula Juba
Assistant Attorney General of Texas
Civil Medicaid Fraud
P.O. Box 12548
Austin, TX 78711-2548, Attention: mail stop 056
FAX: (512) 495-9518

/s/ Allena L. Guerra

Allena L. Guerra